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2 August 1956

MEMORANDUM FOR: General Counsel

SUBJECT: Delegation of Authority to Terminate under
Executive Order 10450

REFERENCE: Memorandum for General Counsel dated 25 June 1956;
Subject: Delegation of Authority to Terminate
Employment Under Executive Order 10450

1. I spoke with Mr. Maloy of the Civil Service Commission who advised me that this question fell within the jurisdiction of the Attorney General rather than the Commission. On his suggestion I telephoned Assistant Attorney General Tompkins and in his absence spoke with Mr. Doherty, his assistant. Mr. Doherty telephoned me on 1 August and said that after checking into the matter thoroughly, it was his opinion that an agency head, under 10450, could not delegate the final termination authority, although he could delegate final review. The net effect of this is that an agency head need not read the whole file but may make his decision based upon a summary of salient points prepared by subordinate officials.

2. I asked Mr. Doherty how he reconciled this with the decision in Muerer v. Ryder. He said that in that case, the Assistant Secretary of the Navy for Air had signed a memorandum to Mr. Muerer at the direction of the Secretary of Navy embodying the Secretary's decision.

3. Doherty stated that it would be perfectly proper for the Director of Personnel, for example, to sign a memorandum to an employee stating that he was "terminated by direction of the Director of Central Intelligence." This presupposes a decision by the Director conveyed verbally to the official whom he has designated to handle the paper work.

4. I did not specifically ask Mr. Doherty his view as to delegation of the Director's termination authority under the National Security Act of 1947, but I would assume that the same opinion would hold.

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Assistant General Counsel